

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SEAN GALLAGHER, PIAGET VENTUS,  
NICOLE ASCENSIO, IANOS ORTEGA,  
individually on behalf of all similarly situated  
individuals,

*Plaintiffs,*

v.

NATIONAL RESTAURANT ASSOCIATION  
SOLUTIONS, LLC; NATIONAL RESTAURANT  
ASSOCIATION D/B/A SERVSAFE, and any other  
related entities and individuals

*Defendants.*

No. 1:23-cv-00435 (LGS)

**NOTICE OF JOINT MOTION TO DISMISS WITH PREJUDICE THIS ACTION AS TO  
THE NAMED PLAINTIFFS**

**PLEASE TAKE NOTICE** that, upon the accompanying memorandum of law and prior pleadings and proceedings in this action, Plaintiffs Sean Gallagher, Piaget Ventus, Nicole Ascensio and Ianos Ortega (“Named Plaintiffs”) and Defendants National Restaurant Association Solutions, LLC, National Restaurant Association, and National Restaurant Association Solutions d/b/a ServSafe, will move this Court before the Honorable Lorna G. Schofield at the United States Courthouse, 40 Foley Square, New York, NY 10007, at a date and time to be set by the Court, for an order pursuant to Federal Rule of Civil Procedure 41(a)(2) converting the Court’s dismissal of this case without prejudice, ECF No. 34, to a dismissal with

prejudice as to the four Named Plaintiffs. **Application GRANTED. This action is dismissed with prejudice as to the four Named Plaintiffs.**

Dated: October 9, 2023

Dated: October 17, 2023  
New York, New York

  
LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE